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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,721	07/12/2000	Katsushi Matsuda	NEC-F82/USA	2343

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/614,721

Applicant(s)

MATSUDA ET AL.

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 2-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07/12/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

RD

### **DETAILED ACTION**

This is in response to amendment filed 06/28/05.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2-6 and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claims to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

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In the present case, claims 2-6 and 8 only recites an abstract idea. The recites an information retrieval apparatus does not apply, involve, use, or advance the technological arts since the steps perform without a tangible embodiment (computer). Therefore non-statutory.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walls et al. (US 5848410) (Walls) in view of Ishikawa et al. (US 5848407) (Ishikawa).

Regarding claim 2, Walls discloses: An information retrieval apparatus comprising:

A retrieval screen generating means for generating a retrieval screen for a user to perform a retrieval operation taking the inferred filed as an object of retrieval (col. 15, lines 15-33, Walls) and outputting the retrieval screen as data to be displayed together with said retrieved document (col. 24, lines 60 to col. 25, lines 33, Walls), wherein document retrieved from said database is a structured document (col. 24, lines 60 to col. 25, lines 33, Walls);

Said retrieval screen is a screen of a structured document in which screen a retrieval part is embedded in the retrieval structured document and a user can retrieve (col. 23, lines 20 to col. 25, lines 33, Walls).

However, Walls didn't disclose: a data monitoring and content judging means for monitoring a document retrieved from a database in inferring a field to which this document belongs. On the other hand, Ishikawa discloses: a data monitoring and content judging means for monitoring a document retrieved from a database in inferring a field to which this document belongs (col. 10, lines 18-36, Ishikawa). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include a data monitoring and content judging means for monitoring a document retrieved from a database in inferring a field to which this document belongs in the system of Walls as taught by Ishikawa. The motivation being to enable the system provide the document preparing unit for analyzing each of the words appearing in the text body of the hypertext document, the title of the hypertext document and appearing positions in each of the hypertext documents are indicated for each word can be prepared.

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 2 above. In addition, Walls/Ishikawa discloses: said retrieval screen is a screen of a structured document in which screen a retrieval part is separate in the retrieval structured document and a user can retrieve (col. 24, lines 60 to col. 25, lines 33, Walls).

Regarding claims 4 and 8, all the limitations of this claim have been noted in the rejection of claims 2 and 3 above, respectively. In addition, Walls/Ishikawa discloses: wherein output of said retrieval screen generating means is supplied to an input/output means for retrieving and displaying a document stored in said database (col. 25, lines 34 to col. 26, lines 25, Walls); and said input/output means displays a retrieval screen outputted by said retrieval screen generating means and retrieval again another document stored in said database by a retrieval operation performed by a user according to this retrieval screen (col. 25, lines 34 to col. 26, lines 25, Walls).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 2 above. In addition, Walls/Ishikawa discloses: said data monitoring and content judging means infers a field to which the structured document belongs, using as a criterion of judgment either one or both of the content of text data contained in the structured document and the number of links (col. 23, lines 8-15, Ishikawa).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 2 above. In addition, Walls/Ishikawa discloses: wherein a document retrieved from said database is given in advance the information for identifying its field (col. 24, lines 60 to col. 25, lines 33, Walls); said data monitoring and content judging means notifies said retrieval screen generating means of a field represented by said identifying information (col. 10, lines 1-36, Ishikawa).

Regarding claim 7, all the limitations of these claims have been noted in the rejection of claims 2 and 4. It is therefore rejected as set forth above.

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**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4023. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen  
July 13, 2005

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**